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2 United States Attorney  
3 Eastern District of Washington  
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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUL 16 2015

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 PATRICIA DAVISSON,

14 Defendant.

2:14-CR-00164-WFN

PRE-TRIAL DIVERSION  
AGREEMENT

16  
17 Plaintiff United States of America, by and through Michael C. Ormsby,  
18 United States Attorney for the Eastern District of Washington, and Caitlin A.  
19 Baunsgard, Assistant United States Attorney for the Eastern District of  
20 Washington, and Defendant, PATRICIA DAVISSON, and the Defendant's  
21 counsel, Robert Fischer, agree to the following Pre-Trial Diversion Agreement:

22 **PRE-TRIAL DIVERSION AGREEMENT**

23 It appearing that you have committed an offense against the United States  
24 beginning sometime on or about October 2002, and on or about June 19, 2013, in  
25 violation of 18 U.S.C. § 641 (over \$1,000), in that you did knowingly and willfully  
26 purloin, steal, and convert to your own use approximately \$146,472.00 in Title II  
27 Social Security Widow's Benefits, and upon your accepting responsibility for this  
28 act, and it further appearing, after an investigation of the offense, and your

1 background, that the interest of the United States and your own interest and the  
2 interest of justice will be served by the following procedure, therefore,

3  
4 On the authority of the Attorney General of the United States, Michael C.  
5 Ormsby, United States Attorney for the Eastern District of Washington, and Caitlin  
6 Baunsgard, Assistant United States Attorney for the Eastern District of  
7 Washington, prosecution in the Eastern District of Washington for this offense  
8 shall be deferred for a period of 60 months, *supervised* by the United States  
9 Probation Office, from the date of the signing of this Agreement, provided you  
10 abide by the following conditions and the requirements of the Pre-Trial Diversion  
11 Program ("Program") set out below.

12 Should you violate the conditions of this Program, the United States  
13 Attorney may revoke or modify any conditions of this Program or change the  
14 period of supervision, which shall in no case exceed 60 months. The United States  
15 Attorney may release you from the supervision of the Program at any time. The  
16 United States Attorney may, at any time within the period of your supervision,  
17 initiate prosecution for this offense should you violate the conditions of this  
18 Program and will furnish you with notice specifying the conditions of your  
19 Program, which you have violated.

20  
21 If, upon completion of your Program, a Pre-Trial Diversion Report is  
22 received to the effect that you have complied with all the rules, regulations  
23 and conditions of this Program, no prosecution for the above-described  
24 offense or any other offense stemming from this incident will be instituted in  
25 this District. Further, should you pay the restitution about listed below, in  
26 full, prior to the termination date of the Program, the United States agrees to  
27 terminate the Program at that time, provided you have complied with the  
28 other terms of this Agreement.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense.

### **PRE-TRIAL DIVERSION PROGRAM CONDITIONS**

1. You shall not violate any law (federal, state and local). You shall immediately contact your Program supervisor (i.e. probation officer) if arrested and/or questioned by any law enforcement officer.
2. You shall continue to live in the Western District of Washington. If you intend to move out of that District, you shall inform your Program supervisor (i.e. probation officer) so that the appropriate transfer of Program responsibility can be made.
3. You shall report to your Program supervisor (i.e. probation officer) as directed and keep him or her informed of your whereabouts.
4. You shall pay restitution in the amount of \$81,490.00 to the Social Security Administration by the end of the Program period. Pursuant to 18 U.S.C. § 3612(f)(3), the imposition of interest is waived, provided the full amount of restitution is paid in accordance with this Agreement. You will make a series of payments to satisfy this obligation. You agree to pay \$50,000 within 15 days of the date of this Agreement, to be followed by a monthly payment of \$500.00 / month, due by the 16<sup>th</sup> of each month, beginning on September 16, 2015.

All payments should be made to the **Social Security Administration, Mid-Atlantic Program Service Center, P.O. Box 3430, Philadelphia, PA 19122-9985. The full claim number (534-20-5681) must appear on the payment instrument.** In the alternative, you can elect to have the Social Security Administration withhold those monies directly from any future Social Security Administration entitlement benefits.

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**WAIVER OF SPEEDY TRIAL RIGHTS**

Patricia DAVISSON asserts and certifies that she is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. She is also aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. She hereby requests that the United States Attorney for the Eastern District of Washington defer any prosecution of her for violation of 18 U.S.C. § 641 for a period of 60 months, and to induce him to defer such prosecution, she agrees and consents that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at her request and she waives any defense to such prosecution on the ground that such delay operated to deny her rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of 60 months, which is the period of this Agreement.

**ACKNOWLEDGMENT AND SIGNATURES**

I hereby state that the above has been read by me. I understand the conditions of my Pre-Trial Diversion Program and agree that I will comply with them.

  
PATRICIA DAVISSON

7-16-15  
DATE

1  
2  
3 Robert Fischer  
4 Defendant's Attorney

DATE

07/16/15

5  
6 Agreed and submitted on behalf of the United States Attorney's Office for  
7 the Eastern District of Washington.

8  
9 Michael C. Ormsby  
10 United States Attorney

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12 Caitlin Baunsgard  
13 Assistant United States Attorney

DATE

7/16/15

14  
15  
16 APPROVED without passing judgment on the merits or wisdom of this  
17 diversion.

18  
19  
20  
21 United States District Court Judge

DATE

7/16/15